

Immigration Policies: Enforcing Borders, Driving Hunger and Creating Destitution

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Executive Summary

Abstract

There is a long history of immigration control and welfare conditionality in the UK, but the interaction between immigration policies and food poverty is under-researched. This article outlines the links between immigration control and food poverty or destitution in the UK. Drawing on insights from the existing literature and a structured discussion at a participatory workshop for researchers and practitioners, the article identifies issues for research and practice around the issue of the No Recourse to Public Funds (NRPF) immigration rule and food poverty. We argue that future research should take a rights based approach to immigration and food poverty that engages with both the history of immigration control and the intent of public policies such as the NRPF rule.

Key Messages

- The No Recourse to Public Funds (NRPF) immigration rule is a key driver of destitution.
- Migrants with NRPF are excluded from policies that aim to address food insecurity in the UK.
- The impact of NRPF on food poverty and foodbank usage by migrants with NRPF have been under-researched.
- Research on NRPF and food poverty must ensure it does not create barriers to accessing services.

Keywords: Immigration, borders, hunger, NRPF, food poverty

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Introduction

This article draws on insights from a workshop at the 2nd ENUF UK research conference on the 23rd June 2020. The article follows the structure of the workshop. Part one is based on presentations given at the workshop and explores the context for the No Recourse to Public Funds (NRPF) rule and the right to food. The second half summarises the discussion amongst workshop participants around the themes of research (R) and practice (P). Participants were divided into breakout groups to discuss four questions:

1. What are the gaps in research on NRPF? (R)
2. How can researchers involve NRPF in their research? (R)
3. Is NRPF an issue for people who use services, and how is this monitored? (P)
4. What barriers do people with NRPF face in accessing food aid, and how might these be surmounted? (P)

Notes were taken by workshop facilitators in each breakout room, which were then discussed with all participants. Notes were summarised and workshop facilitators given opportunity to comment. The resulting findings provide a useful insight into the priorities of a varied group of researchers and practitioners with an interest in support for people with NRPF. This will help to identify both emerging areas of good practice, and the gaps in research and practice with this user group.

Background

Immigration policies, racism and the hostile environment

The first set of UK immigration policies were devised during the time of the British Empire. The British Empire defined Britain as white, racially and culturally superior, Christian, 'modern', industrial, and cast non-European populations as the 'Other', uncivilised and inferior (Said, 1995). It is unsurprising therefore that immigration policies during the time of the British Empire reproduced racist and Othering logics.

The 1905 Aliens Act emerged from the context of anxieties about the Jewish 'other' and growing anti-Semitism in East London and restricted the migration of Jews from across Europe to Britain. The 1925 Special Restriction Order (Coloured Alien Seamen), based on the Aliens Order of 1920, arose from concerns around race relations and competition for labour from 'coloured' seamen from the colonies. The order, enforced by the police, provided the legal means to prevent black and non-white seamen from residing in the UK (Solomos, 2003). The act is historically important as it shows the

way in which the state used immigration policies to discriminate on grounds of race, which was largely defined in the UK context by colour (Tabili, 1994).

After World War Two, Britain actively recruited migrants from both Europe and the Commonwealth to address labour shortages. The arrival of the Empire Windrush in 1948 from the Caribbean marks another historical period where immigration and race interlink. During the 1950s, there was a growing concern around the relationship between race, crime, housing/public services and employment in political, media and popular discourse. There was a perception in the country that there were 'too many immigrants', and thus the racial character of the UK was under threat from the 'coloured' migrant (Solomos, 2003; Small and Solomos, 2006).

It was from this racialised context that further immigration policies were devised. The 1962 Commonwealth Immigrants Act, for example, was justified on the grounds that the host country could not assimilate black migrants. Anti-immigrant sentiment intensified across the country both within the mainstream and amongst the far-right. There was not much distance between the mainstream and the far right when it came to immigration issues, however (see, for example, Small and Solomos, 2006).

The 1968 Commonwealth Immigrants Act restricted numbers of Asian migrants entering the UK from East Africa. In the same year, Wolverhampton MP Enoch Powell's infamous 'Rivers of Blood' intensified anti-immigrant rhetoric by claiming that immigrants were negatively changing Britain. Various iterations of subsequent immigration policies, such as the 1960 Immigration Appeal Act, provided the state with a policy lever to respond to race-based anxieties (Solomos, 2003; Small and Solomos, 2006).

The racist hostility of this period cannot be understated. Racist attacks were commonplace in certain parts of the country, and police investigations into racism, were at best poor, or at worst, racist in themselves. The murders of Gurdeep Singh Chaggar, and Altab Ali in the 1970s, the New Cross arson attack in 1981, which killed thirteen black people, and other racist incidents, demonstrated the visceral violence of anti-immigrant racism.

At the same time, however, an effective anti-racist movement resisted the growing everyday hostility. One policy that provoked popular resistance was the rule that stipulated women did not need a visa if they were migrating to the country to marry their fiancé. During the late 1970s, Immigration Officers targeted women from certain ethnic/religious backgrounds and forced them to have virginity tests. This was justified on the assumption that if a woman was unmarried she would be a virgin, given her ethnic and religious background (Marmo and Smith, 2010; Wilson, 2010). Women of colour organised, protested, and overturned the hostile gendered practice (Wilson, 2010).

Britain has changed significantly since the virginity tests at Heathrow airport. It is widely accepted that there is no place for blatant racism in modern multicultural Britain. There is also now legislation, the Race Relations (Amendment) Act 2000 and the Equalities Act 2010, that makes discrimination unlawful. Immigration policies can therefore no longer explicitly invoke ideas of 'race' in the way they previously did, for example in the case of the 1925 Special Restriction Order (Coloured Alien Seamen).

However, the enactment of everyday borders has been a notable recent change in immigration control. Borders are no longer geographical lines on the edges of nations but are written onto migrant bodies. Yuval-Davies et al. (2018) suggest that everyday borders emerged as early as the 1971 Immigration Act and the 1996 Immigration, Asylum and Nationality Act.

Crucially, however, everyday borders were intensified in 2012 by Theresa May as Home secretary. Her intention to make Britain a 'hostile environment', shaped the 2014 and 2016 Immigration Acts. Through these Acts, an internal border regime was created that operates, explicitly, outside of the usual geographical parameters. It is now compulsory for the NHS, banks, landlords, and employees to check the immigration status of individuals (Cassidy, 2019; Yuval-Davis et al. 2018).

Whilst race is not an explicit feature of current immigration policies, race was historically, and arguably continues to be, the context in which immigration policies are devised, and enacted (El-Enany, 2020). Current immigration policies have emerged from the political context where anti-immigration parties UKIP and Brexit are popular and anti-Muslim sentiments are mainstream. Furthermore, the everyday borders of immigration practices disproportionately affect black and people of colour (Cassidy, 2019; Yuval-Davis et al., 2018; Bhui, 2016).

The current anti-immigration and anti-Muslim context - the 'Go Home' vans (Jones et al. 2017); immigration raids on BME businesses; hate crimes against non-British Europeans and people of colour following the Brexit vote; the population demographics of detention centres; and the way in which the far-right target forced migrants, show that race, ideas of belonging and British nationalism, continue to tie racist immigration policies of the past to the present.

What is NRPF?

The NRPF rule is one example of this everyday bordering, which has a direct impact on food poverty. NRPF is a condition in the Immigration Rules, and Section 115 of the Immigration and Asylum Act 1999. NRPF is imposed on people 'subject to immigration control' prohibiting access to most mainstream welfare benefits, such as Universal Credit, and local authority homelessness assistance and housing allocation.

People with NRPF are also unable to access support and services that are conditional upon certain benefits, such as Free School Meals and Healthy Start vouchers. They are therefore excluded from policies targeted at reducing household food insecurity, and from the recommendations of the National Food Strategy (See discussion below).

The NRPF rule affects undocumented migrants and most migrants with temporary leave to enter or remain in the UK. Since 2012, the NRPF rule has also been imposed on those on the 10-year family/private life route to settlement, who have been found to be more likely to experience destitution (Pinter et al., 2020).

Official data on how many people are subject to NRPF are unavailable, as the Home Office does not publish this information. At the end of 2019, there were at least 175,643 non-EEA citizens under 18 with valid leave to remain living in families with NRPF (Fernández-Reino, 2020). However, this figure excludes a number of children affected by the policy, such as those with British citizenship whose parents are subject to NRPF, those who arrived in the UK on visit visas, and those who were undocumented for more than 12 months. In addition to those with leave to remain, there are an estimated 215,000 undocumented migrant children living in families who are subject to NRPF (Jolly et al., 2020).

The relationship between NRPF and destitution has been raised by organisations in the voluntary sector, academics and activists (British Red Cross & Boaz Trust, 2014; Price & Spencer, 2015; Jolly, 2018). Without access to the safety net of mainstream welfare support, people with NRPF are at high risk of destitution, exploitation and abuse. The families Project 17 works with are highly reliant on support networks and can easily fall into destitution when these become fractured or exhausted. The NRPF condition also traps women in abusive relationships, with perpetrators using immigration status as a mechanism of control (Anitha, 2010).

Echoing other organisations working in the migrant support sector (Woolley, 2019), Project 17's experience is that the negative impacts of NRPF disproportionately affect black women and children. Through analysis of over 1000 client case records, Project 17 found that the vast majority (over 90%) of the organisation's clients were women from countries formerly colonised by the British Empire: Nigeria, Ghana and Jamaica. A high number were also single mothers (77%).

In theory, destitute families with NRPF should be able to access support under section 17 of the Children Act 1989. Under this legislation, local authorities have a statutory duty to promote the welfare of 'children in need' in their area. Section 17 can be used to support the family as a whole, even if they have NRPF. Some adults are excluded from accessing support on the basis of their immigration status (Schedule 3 of the Nationality, Immigration and Asylum Act 2002) unless the situation is so serious that a failure to provide support would breach human rights. Price and Spencer (2015) estimated that 5,900 children from families with NRPF were supported under section 17 across England and Wales in 2012-2013. However, in practice support under section

17 is difficult to access. With the pressures of austerity and cuts to local authority budgets, councils employ a range of ‘gatekeeping’ strategies to create ‘robust front-door[s]’ (Lewisham, 2015).

This means that high numbers of families are deterred from seeking support or wrongly turned away (Dickson, 2019). If families do manage to access support, they are provided with minimal levels of financial subsistence and accommodation is often inadequate and far away (Thriepland, 2015). In many cases, families will have to survive on this support alone for several years, and levels of subsistence support are often too low to prevent food poverty (Jolly, 2019).

Targeted food insecurity measures and NRPF

There are a number of targeted measures in place that aim to mitigate household food insecurity, particularly amongst children. These include free school meals (HM Government, 2020a) and Healthy Start vouchers (HM Government 2020b), which pregnant women or mothers with children under four can use to buy milk, fruit and vegetables, pulses and infant formula milk. The Healthy Start scheme also provides pregnant or breastfeeding women and young children with free vitamins. However, eligibility for these schemes is dependent on receiving “qualifying benefits” meaning that people with NRPF are automatically excluded. There have been some changes to free school meal eligibility in response to the COVID-19 pandemic (Department for Education, 2020), but at the time of writing these changes are temporary and still exclude many children with NRPF (Sustain, 2020).

People with NRPF are excluded not just from policy, but also strategy. The recently published first instalment of the National Food Strategy—an independent review commissioned by the Department for Environment, Food and Rural Affairs intended to set out a vision and plan for England's food system—mentions two women who are at a foodbank having failed habitual residence tests and therefore are unable to claim benefits (National Food Strategy, 2020). Despite referring to the clear difficulties these women are facing, there is no mention in the recommendations to review immigration policies driving household food insecurity or to include migrants excluded from welfare support. The strategy calls for an expansion of eligibility for free school meals, but limits this extension to households in receipt of Universal Credit (or other qualifying benefits), therefore perpetuating the exclusion faced by children with NRPF.

This absence has not gone unnoticed. A recent House of Lords inquiry noted that “a group of the most vulnerable people, those with no recourse to public funds, are conspicuously absent from policy discussions on food insecurity” (House of Lords, 2020). The inquiry went on to “recommend that the Government produce an action

plan to ensure that the gathering of data on food insecurity includes and records the situations of those with no recourse to public funds. Urgent planning must begin now to establish a Government-funded programme to ensure that all those with no recourse to public funds are able to access sufficient, nutritious food” (House of Lords, 2020).

Legal limbo and young people’s lives

We Belong’s knowledge of the NRPF policy stems from experience working with young people subjected to it. The charity supports over 1,300 young people aged 16-25 who are impacted by the ‘hostile environment’. Over a decade of immigration policies have created unliveable conditions for thousands of migrants across the UK. Restrictions on young migrants’ access to Higher Education continues to shatter the career prospects of many We Belong young people. The policy blocking access to Higher Education was put into place in 2012 and represents another arm of the ‘hostile environment’. As a direct result of the policy, young people face narrowed eligibility criteria which sees fewer migrants attend university. Many young people who have grown up in the UK are classified as international students upon applying for Higher Education. This has resulted in young people’s futures being blighted as they face forced delays in relation to their career prospects. The first 10 years of working life are sowed in investing in their status to merely live in the UK, with the choices made for them determined by the origin of their passports.

The notion that entitlements to welfare and financial support belong only to those who are ‘from’ Britain has a long history in immigration policy, as discussed above. This sentiment disproportionately affects precarious migrants originating from non-EU/EEA backgrounds. The punitive measures to encourage individuals to leave the country are seen in the form of restrictive education and employment opportunities and limited access to services such as healthcare and financial support, which prolong hardship.

Young people who We Belong supports have seen the permanent residence goalposts continue to move leaving them tangled in a web of measures which keep many migrant families with precarious status from progressing economically, socially and politically. For many We Belong young migrants and their families, the UK is their home and they have taken many steps to work hard in order to contribute to and integrate in British society.

An additional restriction which creates a barrier for migrants is the Immigration Health Surcharge (IHS), first introduced in 2015 as a mandatory health levy for non-UK citizens with temporary immigration status to contribute towards their healthcare. IHS fees must be paid with each ‘limited leave to remain’ application and is renewed

with each application every 30 months. One route to settlement for those in the UK on family/private life grounds requires migrants to accrue a minimum of 10 years of 'limited leave to remain' before they can apply for permanent residence. This has caused considerable strain on young migrants and their families' health and wellbeing. Overall IHS fees for a single application on the 10 year family/private life route have catapulted since 2014 from £601 to £1,560. In addition, applicants must pay an application fee of £1,033 each time. The time and the spiralling fees applicants have to pay in order to regularise their stay in the UK, alongside the limited welfare safety net increases pressure on families to raise the funds. Young people are disproportionately affected by Home Office fees and IHS (Bawden, 2019). At a time when the government is encouraging the public to stay at home and keep safe, We Belong young people and their families are compelled to risk their lives and continue working because there is no welfare safety net for them.

The negative mental and physical health impacts on young migrants with precarious status are a consequence of a deliberate othering, and a racialised hierarchy of entitlement, which sees many young people who have grown up in the UK and called it their home feeling a loss of belonging. Amid a public health crisis, when many in the UK are facing the prospects of unemployment, the government's choice to hike visa fees by 331% in the span of just six years for migrants on the 10-year route to settlement will see thousands deeply affected and left vulnerable. This puts them at risk of illegality, hunger and destitution. In total, the IHS contributes a minute quantity (0.18%) to the overall NHS budget of £127.01bn (Brien, Loft, Harker & Powell 2020). However, for the young people at We Belong, and thousands of others on the 10-year route to settlement, losing work, when unemployment is at a record high, now also means losing the right to live in the UK.

The disconnect between young migrants' identities, growing up British and not having a clear affordable route to settlement and risking their families being driven into poverty is detrimental and damaging to their sense of belonging. In many cases, it creates families of mixed immigration statuses. We Belong knows of many young people who face the adverse consequences of immigration policies and have called for a fairer, more compassionate immigration system.

Impact of COVID-19

As discussed above, the prevalence of food poverty and insecurity amongst people who are subject to NRPF is an issue which predates the COVID-19 pandemic. Research with undocumented migrants in Birmingham suggests that even before the pandemic,

9/10 were food insecure (Jolly, 2020). However, evidence suggests that the pandemic has exacerbated these existing vulnerabilities for people with NRPF. Research with migrant support organisations found that nearly half of participants had experienced either reduced household income or increased household costs, and the most common concern reported to support organisations was running out of food (Dickson et al., 2020). Similarly, research with Filipino migrants suggests increases in destitution since the beginning of the pandemic (Parry-Davies, 2020). An assessment by Doctors of the World (2020) identifies migrants as a group who experienced particular barriers to accessing services, and a lack of financial resources meant that buying in bulk was not possible, making regular trips to food shops necessary, which increased risk of exposure to the virus.

Workshop Discussion

Research

1. What are the gaps in research about food poverty and NRPF?

There is no systematic literature review bringing together existing research about the NRPF rule. This makes it difficult to know what work has already been done in this area, and what needs to be done. More specifically, there seems to be a wide variation in the experiences of housing across the country for people with NRPF, both in terms of the type of housing, and who provides the housing. More research needs to be done on this as the type of housing a person had was understood to have a significant impact on their access to food. Finally, there was thought to be a need for a better understanding of the political processes behind policies such as NRPF - what is the political will behind them, and how are they worked out in practice at the micro-level. This lack of research was seen by some participants as emblematic of the exclusion of people with NRPF socially.

2. How can researchers involve NRPF in their research?

One problem that was raised was that practitioners in both food aid providers and migrant organisations were under-resourced and occupied with the practicalities of providing food, which did not leave much time to consider research or data collection/monitoring. Food aid providers were also concerned about implementing monitoring procedures which asked about whether a person has NRPF in case they deterred individuals from using services due to fears of immigration enforcement. Some participants also raised concerns about conducting research with/on people with NRPF. One participant said they were concerned about “researchers requesting time from people who are in very difficult circumstances without perhaps enough of a focus on the impact that that might have and really is it beneficial to those individuals.”

Practice

3. Is NRPF an issue for people who use services they are involved in and how is it monitored?

There was a perception that food aid providers are getting better at monitoring and understanding the impact of immigration status on food poverty. However, there was an impression that people with NRPF are underrepresented amongst users of

foodbanks. It is currently unclear whether this is because migrants are less likely to access emergency food aid, or because people's immigration status was not accurately recorded or understood. Participants thought that people were not always clear about the language, of what NRPF was, and the significance of it for people's access to food.

4. What barriers do they think people with NRPF might face in accessing food aid services, and how might these barriers be surmounted?

Discussion focused on the fact that thousands of migrants are facing destitution and food insecurity not as a result of the system being broken but rather the system working as it was designed to. The barriers that people who are subject to immigration control face in accessing welfare support are a result of welfare chauvinist policies which exclude hundreds of thousands from support.

There were also concerns raised about a potential lack of culturally appropriate foods within food banks and the unsuitability of some items that are provided through them. This led people with NRPF to be concerned about feeling ashamed for not wanting the food that was provided. One participant provided an example of a person who was described as having a bigger body type who felt embarrassed about going to a foodbank because "they did not feel they fit the body type of someone who was hungry". This tied into a discussion another group had around the concept of "Britishness" and how this is often linked to whiteness therefore excluding many. This group also discussed how in the public discourse certain people were criminalised due to being migrants and this can make it very difficult for people experiencing these immigration policies. Solutions to the barriers in accessing support were not just to make food aid accessible to people with NRPF, which was thought to be a short-term goal, but rather to develop a rights based framework that would ensure that all people have full dignified access to food at all times regardless of immigration, race, gender, disability or other characteristics.

Conclusion

This article has highlighted the ways in which immigration control in general, and the NRPF rule specifically, interplay with food poverty and insecurity, setting them in the context of the long history of immigration controls in the UK. We argue that migrant food poverty is an inevitable consequence of the exclusion of migrants from welfare services through processes of racialised othering, and responses either in terms of service delivery or research should take a rights-based approach to understanding the issue.

Workshop discussions indicated that participants believed that the NRPF rule and its impact on food poverty was an under researched and analysed area, but practitioners often did not have the time or resources to engage in research and monitoring around immigration status, and were reluctant to engage in actions which could act as a barrier to people accessing support.

There is therefore a need for development work to support organisations in collecting and interpreting data. However, research should be designed to ensure that it does not inadvertently discourage people from accessing services, and must engage with both the structural causes of migrant food poverty, and the historical context of UK immigration control.

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